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WESTERN DISTRICT OF TEXAS  
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§§ 87(2)(b), 87(4-b), 87(4-g), 87(4-h)

89.

record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. Battle v. United States Parole Commission, 834 F.2d 419, 421 (5th Cir. 1987).

In her first objection, plaintiff again claims she has stated a claim of sexual harassment hostile work environment upon which relief can be granted. The Court has re-reviewed its order and the cases discussed therein filed June 21, 2000 (docket #31) concerning the dismissal of the plaintiff's claim, the allegations in the amended complaint, the magistrate judge's analysis of this issue in the Memorandum, and defendants' response, and concludes that this objection is without merit. Even with plaintiff's insertion of an "additional page and a half of information which was not included with the Original Complaint," plaintiff has failed to plead with sufficient specificity her sexual harassment claim and continues to rely on conclusory allegations.

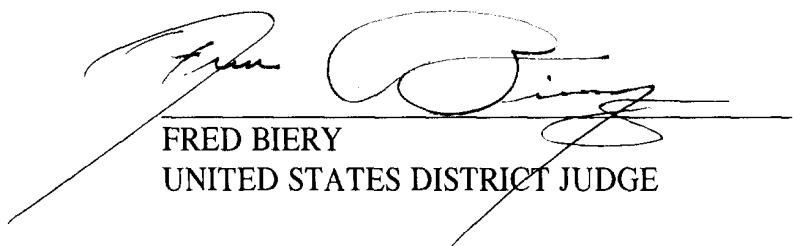
Plaintiff also objects to the Magistrate Judge's conclusion that her claim for retaliation fails. Plaintiff contends a sentence in the Memorandum which states a "juror could reasonably conclude that her resignation, four months after having complained to management, had nothing to do with her protected activity," is an admission of a fact issue. However, in reviewing the Memorandum, the Court notes Magistrate Judge Nowak had previously found plaintiff had failed to meet the first two elements of her prima facie case for retaliation. Therefore, even if a fact issue exists as to the third element of plaintiff's claim, plaintiff's claim still fails.

The Court has conducted a de novo review of the Magistrate Judge's Memorandum and Recommendation and finds that the objections to the Magistrate Judge's Recommendation are without merit. The Recommendation shall therefore be accepted pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, it is hereby ORDERED that the Recommendation of the United States Magistrate Judge, filed in this case on March 2, 2001 (docket #85), is ACCEPTED, such that the Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted (docket #35) is GRANTED with respect to Buenrostro's sexual harassment hostile work environment claim and national origin/sex discrimination under a disparate impact theory claim; Plaintiff's Motion for Leave to File a Second Amended Original Complaint (docket #40) is DENIED; Defendants' Motion for Partial Summary Judgment on Discrimination, Sexual Harassment, Retaliation and Constructive Discharge (docket #42) is GRANTED IN PART for partial summary judgment on the claims for retaliation and/or constructive discharge; the Motion to Exclude Affidavit Buenrostro Concerning Claims Under Title VII (docket #56) is DENIED; Defendants' Motion for Partial Summary Judgment as to Damages Under Title VII (docket #43) is DENIED AS MOOT; the Motion to Exclude Declaration as to Damages (docket #55) is DENIED AS MOOT; Defendant Flight Safety's Motion to Exclude Testimony and Report of Gene Trevino (docket #57) is DENIED AS MOOT, and Defendants' Motion to Dismiss or Alternatively, for Summary Judgment on Plaintiff's Claim of Defamation which was considered as a motion for summary judgment (docket #39) is GRANTED. Having ruled on the motions and disposed of all of the plaintiff's claims herein, IT IS HEREBY ORDERED that this case is DISMISSED. Motions pending, if any, are also DISMISSED.

It is so ORDERED.

SIGNED this 28<sup>th</sup> day of March, 2001.

  
FRED BIERY  
UNITED STATES DISTRICT JUDGE